



ENGAGING WITH STATE ARMED FORCES TO PREVENT SEXUAL VIOLENCE

A TOOLKIT FOR ICRC STAFF ON HOW TO ENGAGE STATE ARMED FORCES
IN DIALOGUE ON PREVENTING SEXUAL VIOLENCE IN ARMED CONFLICT

This toolkit has been produced on the initiative of the Unit for Relations with Arms Carriers (DP_ FAS) at the International Committee of the Red Cross (ICRC), following a two-year project that examined and analysed how sexual violence is addressed in military doctrine (*Sexual Violence and Military Doctrine*¹). Given the often sensitive and concealed nature of the problem, establishing open and constructive dialogue with weapon bearers on this subject remains a challenge for the ICRC. In most contexts, the organization is more used to and at ease in discussing the conduct of hostilities rather than details of how sexual violence is committed, why it happens and what can be done to prevent it. This toolkit has been designed as a practical aid to addressing the issue and to help ICRC staff involved in protection and prevention activities to engage armed forces in dialogue. It is not designed to provide assistance to victims/survivors.

This toolkit has been primarily designed as a practical aid to support ICRC staff engage armed forces in dialogue. However, the ICRC makes it available for the staff of other humanitarian organizations.

External personnel should be aware that they will not be able to access some internal links mentioned in this toolkit.

Developed by the ICRC in cooperation with the Norwegian Red Cross

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GLOSSARY

Dialogue

All ICRC activities directed at weapon bearers that are designed to influence them. There are two types: general dialogue (conducted as part of general prevention activities) and confidential bilateral dialogue (conducted as part of protection activities). The two are inextricably linked, in that confidential dialogue can only take place once avenues have been opened by the more general variety. Likewise, general dialogue draws on its confidential counterpart and thus helps address issues around actual and/or potential abuses and violations. Unless specified otherwise, the term “dialogue” is used in this document to mean both types of dialogue.

Doctrine

All standard principles that guide the actions of weapon bearers at the strategic, operational and tactical levels, regardless of the forms these principles take, i.e. it encompasses all directives, policies, procedures, codes of conduct and reference manuals – or their equivalents – that are used to educate and train weapon bearers during their careers.

Integration (FAS)

Process of translating legal rules by the target population, i.e. armed forces, into concrete mechanisms or measures to ensure compliance and adopting the means required to achieve this end. Integration is a continuous effort and must constantly address doctrine, teaching or education, training and equipment issues, and be backed up by an effective system of sanctions.

Prevention (PREV)

All communication, implementation, instruction and education activities whose purpose is to influence people’s behaviour to anticipate and avoid the occurrence of violations.

Protection of Civilians (PoC)

Term used within international organizations that fulfil crisis management roles, such as the North Atlantic Treaty Organization (NATO), the United Nations (UN), the African Union (AU) and the European Union (EU). There is no common definition of or framework for the protection of civilians; each organization carries out a different range of activities in connection with the protection of civilians. Common to all the organizations is the element of potential use of force: protecting civilians may include the use of force to prevent, deter, pre-empt and respond to situations in which civilians may suffer or be under threat of physical violence (including sexual violence).

Protection (PROT)

Protection activities aim to ensure that authorities and other bodies respect their obligations and the rights of individuals to preserve the safety, physical integrity and dignity of those affected by armed conflict and other situations of violence. Protection activities include efforts to prevent or put a stop to actual or potential violations of international humanitarian law (IHL) and other relevant bodies of law or norms.

Reversed burden of proof

An institutional approach to sexual violence whereby staff are required to operate under the assumption that, unless conclusively proven otherwise, such violations are occurring, and to act proactively to assess and respond to the needs of victims/survivors, according to the sexual violence strategy.

State armed forces

Weapon bearers whose primary function is combat and who operate under the control or command of one or more States. They include peace-support troops operating outside their home country.

Survivor

A term to describe individuals who have suffered sexual violence used by some organizations in preference to the term “victim”, which, in some contexts, is understood as disempowering and implying weakness, powerlessness and passivity. Instead, the term “survivor” is recommended in resilience literature to connote agency and activeness when describing individuals who have lived through sexual violence.

Victim

A term that appears in forensic documents, which emphasizes the fact that sexual violence is a violation and that the victims are not responsible for what happened to them. The ICRC prefers to use the term “victim/survivor” to emphasize that the preference should depend on the individual concerned.

Weapon bearers

A diverse group that includes armed forces, police and security forces, other weapon bearers and private military/security companies PMSCs. Despite their differences, these groups have several features in common, which you need to be aware of before initiating dialogue. Note that the ICRC English style guide stipulates the use of “weapon bearers” rather than “arms carriers”.

THE TOOLKIT – INTRODUCTION

Addressing sexual violence in armed conflict is an institutional and operational priority, and the ICRC is strongly committed to strengthening its prevention work in this respect, including in relation to weapon bearers. Sexual violence is still widespread in today's conflicts and it is imperative that ICRC staff tackle the issue, whether evidence of violence is available or not (i.e. a reversed burden of proof²).

With its vast network and privileged access to weapon bearers, the ICRC has a responsibility to make best use of its resources to increase respect for and implementation of the law about the prohibition of sexual violence. This is a key part of current global efforts to prevent sexual violence and contributes to the implementation of the resolution on sexual and gender-based violence adopted by the 32nd International Conference of the Red Cross and Red Crescent in 2015.³

WHY THE NEED FOR A TOOLKIT?

ICRC staff are likely to meet armed forces in their work, and can therefore engage them in dialogue. However, like in any discussion to do with violations of IHL, merely raising the topic of sexual violence can cause those with whom you want to establish a dialogue to feel they are somehow being accused. This toolkit is designed to be a practical and innovative resource for staff, with suggestions on how to engage in dialogue on sexual violence* with State armed forces without coming across as accusatory.

While there are materials and frameworks regarding dialogue with weapon bearers⁴ available, none focuses specifically on sexual violence. Instead of reinventing the wheel, this toolkit brings together elements of existing materials, connects the dots, gives guidance and builds knowledge.

* The ICRC's protection and assistance/health departments have additional reference documents to guide their action.

WHAT IS IT FOR?

The aim of this toolkit is not to solve problems within State armed forces under scrutiny, e.g. a lack of command responsibility, discipline or sanctions system. Rather, it is designed to help ICRC staff involved in prevention and protection activities engage State armed forces in dialogue on sexual violence. It provides a basis for carrying out an initial analysis of a State armed force (target unit) in a given context to determine a good entry point for initiating dialogue or, on the contrary, to identify what would *not* work in that context.

The assumption behind the toolkit is that some level of contact and interaction with State armed forces exists already (sexual violence is not a good topic with which to start dialogue from scratch). Engaging State armed forces in dialogue on sexual violence:

- (a) raises awareness and understanding of the prohibition of sexual violence and the consequences for victims/survivors
- (b) encourages and supports the integration of such understanding into military doctrine and practice
- (c) highlights the responsibility of State armed forces to ensure safe access to services for victims/survivors, or such forces' role as "protectors" of civilians
- (d) advances global discourse on sexual violence, with the aim of
 - putting an end to recurring violations and
 - preventing future violations.

Reducing the incidence of sexual violence is always the goal of prevention activities in this domain.

WHO SHOULD USE IT?

This toolkit is intended for all ICRC staff engaged in activities in which contact with State armed forces occurs.

- ICRC delegations could, with additional support from the Unit for Relations with Arms Carriers (DP_FAS), use it to define a strategy and develop key messages.
- It could help inform delegations' longer-term work at all relevant levels to promote respect for the prohibition of sexual violence.

In addition, the general overview of the issues and introductory information provided in some of the modules may be useful for ICRC staff.

HOW TO USE IT

In addition to the hard-copy version, an interactive version of this toolkit is available online. The toolkit is structured into 11 modules, which are interconnected but can stand alone. Each module deals with a specific topic and begins with a short introduction. Throughout the toolkit there are hyperlinks (in the electronic version) and resource numbers (in the print version) to help users find relevant ICRC documents and background material. The final modules detail internal and external resources and provide answers to frequently asked questions.

MODULE I

LESSONS LEARNED

The ICRC has worked to prevent sexual violence by – among other things – promoting understanding of and adherence to applicable rules of international humanitarian law (IHL) and international human rights law (IHRL), and by encouraging military authorities to integrate specific provisions into military doctrine. This is in line with the ICRC’s approach to prevention activities and the belief that “to prevent IHL violations, the law must become an integral part of the conduct of operations”.⁵ Nevertheless, it has become clear that, globally, the ICRC had relatively little information on how armed forces have integrated the prohibition of sexual violence into their doctrines or how they implement and enforce it in practice.

To address this issue, DP_FAS partnered with the Norwegian Red Cross to research and map how State armed forces integrate the prohibition of sexual violence into their doctrines. The findings of this study¹ form the basis of this toolkit. Some of the most pertinent findings are set out below.

LESSONS LEARNED FROM ANALYSING DOCTRINE

In most of the contexts analysed, sexual violence is not considered an IHL issue. It is sometimes mentioned in connection with IHRL or as a national crime, and codes of conduct may cover it as a disciplinary issue, but, in general, the prohibition of sexual violence in conflict is not explicit in military doctrine.

State armed forces in countries where sexual violence has occurred (and been well documented) are more likely to see it as an IHL or IHRL issue and thus integrate its prohibition into their doctrine.

In practically none of the materials analysed were men and boys mentioned as potential victims/survivors in terms of sexual violence. Different State armed forces understand the term “sexual violence” differently, so definitions vary. The term is often confused with harassment and abuse within ranks, or with sexual exploitation.

Sexual violence as an element to consider in the protection of civilians is covered in a few military doctrines, in terms of either a duty to protect civilians from sexual violence or to intervene when witnessing it, or the topic is treated as a part of the protection-of-civilians doctrine.

Finally, it is important to note that a lack of *de jure* integration does not automatically mean there is no integration at all. There may be informal mechanisms linked to unwritten codes of conduct, ethics, certain types of inductions and drills, and unwritten disciplinary sanctions that implicitly integrate sexual violence as a breach of IHL. Such informal socialization mechanisms are examined in depth in the *Roots of Restraint Study*.⁶

LESSONS LEARNED FROM INTERACTION WITH STATE ARMED FORCES

As already noted, there is no common definition of sexual violence used by the various armed forces, so the ICRC must be clear what it means when it talks about it, especially given the fact that sexual violence tends not to be considered an IHL issue. Therefore, it is important to clarify (a) how the ICRC and IHL define sexual violence, (b) the link between it and situations of conflict and (c) how it is not an issue typically related to sexual violence or harassment within ranks.

As a result of the global discourse on “conflict-related sexual violence” and the UN resolutions regarding women, peace and security,⁷ in which sexual violence is one of the four pillars, it would appear that the issue is being acknowledged, so it can be assumed that, within armed forces, staff at higher command levels are familiar with the topic.

This implies that sexual violence in armed conflict is a “less sensitive” topic to raise in the context of UN peace operations or as part of a NATO dialogue, but there remains a discrepancy between the national and international levels, in terms of commitment to preventing and responding to sexual violence.

Nevertheless, while sexual violence might still be a sensitive topic in some contexts, the topic receives enough attention globally⁸ to assume that it is possible to address it in almost any given context.

The fact that few other organizations are engaging State armed forces in dialogue on this topic emphasizes the value of the ICRC's contribution in this regard, particularly as some armed forces are actively seeking technical assistance or expertise to help them improve how they handle sexual and gender-based violence (SGBV).

Finally, linking sexual violence to protection of civilians seemed to resonate with several armed forces (soldiers generally want to be seen as protectors rather than perpetrators), suggesting this has some potential as an approach.

LESSONS LEARNED FROM ICRC WORK

Focusing on sexual violence in armed conflict is both a challenge and an opportunity, the latter in the sense that it is narrowly defined, clearly linked to the ICRC's mandate and related to conflict. However, the contexts in which the ICRC works are not so clear cut and the link between sexual violence in conflicts and SGBV is often blurred. This makes it difficult to talk about sexual violence in a very narrow sense. Also, discussing sexual violence principally in terms of armed conflict in situations where there is no conflict can mean it does not resonate or seem relevant. Consequently, sexual violence has a slightly broader scope in the new institutional strategy, in that its perpetration is not confined to parties to conflict.

As already noted, the mere fact of raising the topic can cause those with whom you wish to establish a dialogue to feel they are being accused of something. Although this can happen in any discussion to do with IHL violations, there seems to be particular uneasiness or even a taboo around the topic of sexual violence.

When it comes to the topic of integration, there is no common ICRC approach in terms of what to focus on or how to help State armed forces achieve it. This is even more the case when it comes to the prohibition of sexual violence, as it is not seen as a "classic" IHL issue.

Although doctrine is a key objective in activities to do with promoting integration, knowledge of country-specific doctrines and what they do or do not say about the prohibition of sexual violence is currently limited.

MODULE II

UNDERSTANDING SEXUAL VIOLENCE

Reports of wartime rape often seem to imply that rape is perpetrated primarily by unruly and undisciplined rebel forces. Several recent studies, however, have found that State armed groups are far more likely than rebel groups to be reported as perpetrators of rape and other sexual violence.

Dara Kay Cohen, Amelia Hoover Green and Elisabeth Jean Wood⁹

While it can be challenging, to determine the nexus between sexual violence and conflict or other situations of violence, and therefore its relevance to the ICRC's mandate, for the purposes of this toolkit the link to conflict is clear and straightforward. State armed forces are potential perpetrators and/or have the power to combat the perpetration of sexual violence.

Given the magnitude of the problem and the fact that it is largely invisible, the ICRC's approach is not to wait until specific allegations have been received to engage State armed forces in dialogue on sexual violence. In other words, as a topic, it is always relevant for the ICRC to discuss it with armed forces because of the latter's obligations to respect and ensure respect for IHL and suppress violations of the prohibition of sexual violence.

The *ICRC Strategy on Sexual Violence 2018–2022*² goes into further detail on the scope of the organization's response regarding sexual violence.

WHAT IS KNOWN ABOUT THE PHENOMENON?

When it comes to sexual violence there is considerable variation in how, why and at whose hand it occurs. Reasons for the perpetration of such violence include: (a) to create fear, as a tactic of war, as a form of retribution, torture or ethnic cleansing, or to promote social cohesion and bonding among soldiers; (b) simple opportunity; and (c) mistreatment (*ICRC Sexual Violence Background Note*¹⁰). Sometimes, it can occur for a combination of these reasons.

In light of this, it is clear there is no general rule explaining why sexual violence occurs that can be applied across all conflicts (reasons can differ from conflict to conflict). What we do know, however, is that sexual violence rarely occurs in isolation and that it happens on all continents and in all cultures. It can usually be assumed that if other violations of IHL are being committed, such as unlawful killings, child recruitment, looting or destruction of property and torture, sexual violence is also happening. While context obviously matters, we have to acknowledge that it is incredibly complex to determine why, exactly, sexual violence may be happening in a specific setting. Nevertheless, the prohibition of sexual violence applies, regardless of the perpetrators' motives.

DEFINITION

The ICRC and IHL use a gender-neutral definition based on the one in the *Elements of Crime of the Rome Statute of the International Criminal Court*.¹¹ The ICRC defines “sexual violence” as “acts of a sexual nature committed against any person by force, threat of force or coercion. It includes rape, sexual slavery, enforced prostitution, forced pregnancy and enforced sterilization or any other act of a sexual nature of comparable gravity” (*ICRC Strategy on Sexual Violence*²).

Sexual violence is prohibited at all times – under IHL, IHRL and the majority of domestic and traditional laws. Acts amounting to serious violations of IHL constitute war crimes. Rape and other forms of sexual violence can also, depending on the circumstances, constitute crimes against humanity, torture or genocide.

TYPES OF SEXUAL VIOLENCE

Just as there are many different reasons for perpetrating sexual violence, it can also take many different forms, and is not confined to rape. Men and boys can be victims/survivors as well as women and girls. Indeed, *sexual violence against male civilians and combatants has been reported in many conflicts around the world*.¹² Also, physical violence does not necessarily have to occur – for example, forced stripping may be an outrage upon personal dignity without being physically violent.

Given the wide range of acts that can qualify as sexual violence, as well as the challenges involved in identifying their occurrence, this section follows on from the above definition by listing (non-exhaustively**) different types of sexual violence.

Forced abortion: When a woman or girl's pregnancy is forcibly terminated, e.g. as part of a strategy for ethnic cleansing or within armed groups to keep women as combatants.

Forced anal examination: When a person is forced to undergo anal examination (e.g. by a finger or object). These are carried out on men and boys, in particular, based on the false belief that it can determine whether the person has engaged in same-sex conduct. This procedure has no scientific validity. Note that forced anal examination may also fulfil the definition of rape (as set out in the ICC *Elements of Crime*), where it involves the penetration of the anal or genital opening of the victim with any object or any other part of the body by force, threat of force or coercion.

Forced “virginity testing”: Invasive gynaecological examinations, often involving visual inspection of the hymen and insertion of digits into the vagina (known as the “two-finger test”), based on the false belief that this can determine whether a woman or girl has had sexual intercourse. This procedure

** NB These are not legal definitions but rather a lay guide to understanding a range of types of sexual violence.

has no scientific basis. Note that forced virginity testing may also fulfil the definition of rape (as set out in the ICC *Elements of Crime*), where it involves the penetration of the anal or genital opening of the victim with any object or any other part of the body by force, threat of force or coercion.

Forced pregnancy: When a woman or girl is forcibly made pregnant, e.g. as part of a strategy to modify an ethnic composition.

Enforced prostitution: When a person is coerced by another person to engage in sexual activity. May have a commercially exploitative element, i.e. where a third party benefits in terms of compensation (e.g. money).

Forced public nudity: When a person is forced to be naked in the presence of other people of the same or opposite sex, e.g. a prisoner of war for the purposes of extracting information or forcing a confession. The risk of forced public nudity may be particularly high during investigation and interrogation in the context of detention.¹³ Forced nudity also includes forced undressing and the victim being forced to perform, say, gymnastics naked in a public courtyard.

Forced raping of others: When a person is forcibly made to rape another person, e.g. a family member or relative (forced incest), friend or fellow detainee.

Enforced sterilization: When a person is forcibly deprived of their biological reproductive capacity, e.g. to prevent births within a certain group, as part of a strategy for ethnic cleansing.

Forced witnessing of rape: When a person is forcibly made to watch the rape of someone else, e.g. a family member, friend or fellow detainee.

Mutilation of genitals: When injury is intentionally caused to a person's sexual organs, e.g. through the use of instruments on genitals to cause pain or by castration.

Sexual slavery: When, through the purchase, selling, lending or bartering of a person or by the imposition of a similar deprivation of liberty, the powers attached to the right of ownership are exercised over that person and they are made to engage in acts of a sexual nature against their will. Sexual slavery

is often accompanied by other types of violence, such as abduction, beatings and other physical abuse and acts of humiliation. Sometimes, sexual slaves are referred to as the “wives” of their captor(s) and are forced to do domestic work. Sexual slavery can occur in the “guise” of a legitimate relationship. One or several perpetrators may participate in the “marriage”.

Sexual torture: When sexual violence of any kind (against a person or a third party) is used for the purposes of, among other things, obtaining information or a confession, punishment, intimidation or coercion.

Indecent assault against children: Unwanted sexual contact, such as touching a child's private areas without his/her consent. Types of indecent assault include rubbing against a child for sexual gratification, groping a child for sexual gratification or touching an individual on any part of his/her body in a sexual manner.

Rape: When, under conditions of force, threat of force or coercion, any part of the body of the victim is penetrated (to whatever degree) with a sexual organ (not just the anal or genital area of the body) or when the anal or genital opening of the victim is penetrated with any part of a body or any foreign object, such as a weapon, stick or broken bottle. Rape in the context of armed conflict has been known to have been perpetrated by more than one person at the same time, in public and by members of the same sex.

BE AWARE OF POTENTIAL CONFUSION

Sexual violence, as defined and illustrated above, must not be confused with the following types of abuse or situation.

Violations within ranks: Sexual violence that occurs within the ranks is less likely to have a connection to a particular armed conflict and so does not fall explicitly within the ICRC's mandate. Nevertheless, armed forces should be reminded that such violence can constitute a violation under IHL and should therefore be addressed thoroughly within forces' own disciplinary mechanisms, including by taking criminal proceedings, where necessary. The same goes for internal conduct and discipline issues, such as sexual harassment (unwelcome sexual advances, requests for sexual favours, etc.).

Sexual and gender-based violence (SGBV): This is an umbrella term that, as well as conflict-related sexual violence, covers a broad range of acts of violence committed against a person, including domestic violence, female genital mutilation, economic violence, psychological violence, etc. The ICRC takes a narrower approach than many organizations by addressing primarily one form of SGBV, namely sexual violence in armed conflict, other situations of violence and detention.

Sexual harassment: Inappropriate behaviour of a sexual nature, such as any unwelcome sexual advances or offensive remarks, requests for sexual favours and other verbal or physical conduct of a sexual nature, especially by a person in authority with respect to a subordinate or a student. It is not limited to a workplace, school or institutional setting.

Detention: In detention settings, the *ICRC addresses sexual violence as a matter of course*,¹³ as it would any other type of violence or abuse, regardless of whether or not there is a connection to armed conflict or other situations of violence and of the particular status of the detainee(s) affected. Although this toolkit does not specifically address sexual violence in detention (see the ICRC booklet on that issue¹³), the subject remains valid for discussion with the military in charge of detention issues.

Other situations of violence (OSV): The ICRC assumes that sexual violence may occur in cases where violence erupts. Therefore, ICRC staff carrying out protection and prevention activities should include sexual violence (definition, nature, prohibition of, safe access to services, etc.) in their dialogue with weapon bearers.

Sexual exploitation and abuse (SEA): The term originated to refer to acts committed by humanitarian workers and peacekeeping personnel. “Sexual exploitation” refers to an abuse of authority, trust or a situation of vulnerability for sexual ends in exchange for money, work, goods or services (ICRC Code of Conduct, Section III.2). It is also understood as any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. “Sexual abuse” means actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. For the ICRC, this would, for the most part, be encompassed in its definition of sexual violence.

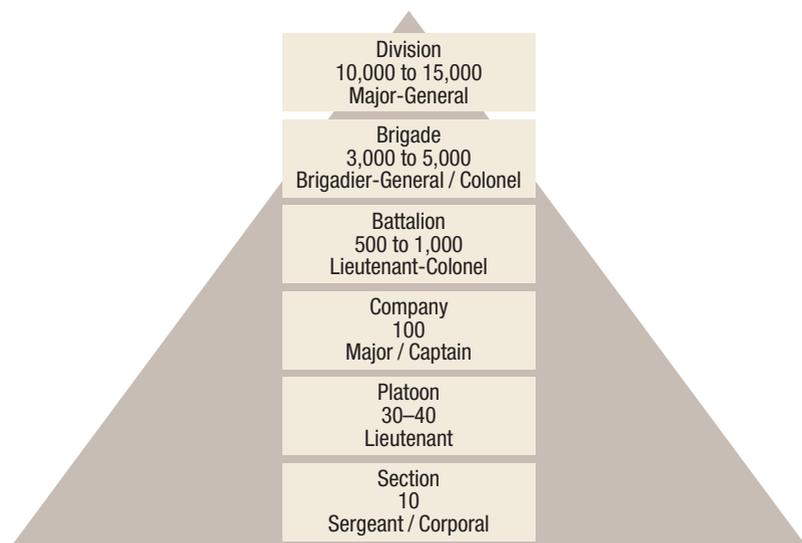
MODULE III

UNDERSTANDING STATE ARMED FORCES

Weapon bearers play the central role in armed conflict and other situations of violence. Consequently, they are in a position both to victimize and fall victim, to facilitate humanitarian operations, as well as hinder them. Historically, State armed forces were the ICRC's first "clients", given that the institution was created to care for victims/survivors on the battlefield, at a time when such victims/survivors were almost exclusively military.

This section provides a basic outline of the type of armed force an ICRC staff member will have to deal with, i.e. predominantly State armed forces. Some non-State armed groups can be just as organized and sophisticated as State forces, and thus can be dealt with as such in practice.

STRUCTURE



Armed forces comprise a number of services – usually an army, navy and air force. Of these, the army is the service with which the ICRC has the most interaction. Armies are divided into branches or arms, such as the infantry and artillery, each with its own tasks, equipment and capabilities. Armies are structured on a building-block principle and follow a chain of command.

Although armies around the world differ, they have roughly the same composition: three sections (or squads or groups) of around ten people make up a platoon (30–40 people); three platoons make up a company (100 people); three companies make up a battalion (500–1,000 people); three battalions make up a brigade (3,000–5,000 people); and three brigades make up a division (10,000–15,000 people).

Regiments – which fall between company and brigade – were extremely important in the last century, but, these days, a regiment is no longer a tactical unit and so the designation is mostly historic and ceremonial.

RANKS

The ranks and badges of the individuals indicate their place within the hierarchy and their responsibilities. Although there are differences between armies around the world, they all follow the same general pattern: the “rule of three”.

Personnel are divided into three categories: enlisted personnel (soldiers, sailors, airmen and women, and corporals); non-commissioned officers (sergeants, etc.), who assist officers in the day-to-day supervision of the troops; and commissioned officers, who give orders, manage situations, solve problems, train the personnel under their command in military methods and prepare them for combat.

Although it is important to know the rank of an individual – because it indicates their place within the hierarchy – it is essential that you understand their appointment, i.e. the function they occupy. This indicates their responsibilities, role and leverage within the force. For instance, simply insisting on meeting a colonel is not enough, even though a colonel is a comparatively senior officer; he or she may have no influence over the issue of concern to the ICRC.

Commanding officers of units the size of a battalion and upwards are supported by a set of staff that form a headquarters. The personnel at these headquarters are divided into staff branches, each of which is responsible for coordinating different functions within those units.

FACTORS SHAPING BEHAVIOUR IN ACTION

The ICRC study *Roots of Behaviour in War*¹⁴ outlines specific factors that shape and influence combatant behaviour. One of these is moral disengagement, which can contribute to recourse to violence – including sexual violence – against those defined as being the enemy. Other factors include effective chain of command, doctrine, education and training, sanctions and group cohesion. Regarding that last factor, the *Roots of Restraint in War*⁶ study found that the informal socialization processes of the peer group can have as strong an influence on behaviour as formal mechanisms like training, and thus can strengthen or undermine adherence to IHL.

A combatant's position within a group leads them to behave how the group expects them to, and their position in a hierarchical structure leads them to obey authority (because they perceive it as legitimate or it acts on them as a coercive force or a mixture of the two). That being said, it is not easy to determine group dynamics, and such dynamics may be positive or negative in terms of the perpetration of sexual violence.

KEY INFLUENCING PARAMETERS RELATING TO SEXUAL VIOLENCE

In a collaborative workshop,¹⁵ experienced ICRC staff from various regions and departments reflected on the above-mentioned studies and, based on their experience, determined the four influencing parameters most relevant to sexual violence and State armed forces:

- Is there a willingness by armed forces to admit the existence of the problem and thus give the ICRC access to the appropriate hierarchical levels? Are officers committed to addressing concerns? Is the doctrine sufficiently supportive? (**Awareness/Priority given**)

- Have armed forces adequate capacity and a clear hierarchical structure? What method is used for giving orders? Are there orders addressing behaviour? (**Command responsibility**)
- What is the cultural basis for the behaviour? Is the training system efficient? Are professional ethics linked to positive peer pressure? How do the soldiers themselves perceive their role? (**Peer pressure/Ethics**)
- Is there a clear accountability mechanism and the possibility of following up allegations, as well as an effective sanctions mechanism (either a military justice system or disciplinary mechanism)? Do military personnel know the law? Do they agree with the law/what is the perceived legitimacy of the law? What is the level of tolerance for faults? (**Sanctions system**)

MODULE IV

WHY ENGAGE IN DIALOGUE WITH STATE ARMED FORCES?

The term “dialogue” covers all ICRC activities directed at weapon bearers and designed to influence them. Developing dialogue with weapon bearers is an integral part of ICRC operating procedures worldwide, particularly in conflict zones. Weapon bearers, irrespective of whether they are under the control of a State or not, bear full responsibility for implementing and respecting the applicable law.

ICRC staff are very likely to encounter State armed forces in the course of their work and thus have the opportunity to engage them in dialogue. However, the mere fact of raising the topic of sexual violence (or other violations of IHL) can cause those with whom you want to establish dialogue to feel they are somehow being accused. This means that, in some specific cases, the topic will be rather sensitive. However, in recent years, international focus on sexual violence has increased enormously, so it is fair to assume that military staff in general, and those in high command in most countries specifically, will be familiar with the topic, in particular given the current emphasis on conflict-related sexual violence and the UN resolutions on women, peace and security. For the purposes of this toolkit, the objectives of dialogue are as follows:

- (a) to raise awareness and understanding of the prohibition of sexual violence and the consequences for victims/survivors
- (b) to encourage armed forces to integrate the prohibition of sexual violence into military doctrine documents and support them in doing so
- (c) to highlight armed forces' responsibility to ensure safe access to services for victims/survivors or to protect civilians
- (d) to advance global discourse on sexual violence.

HUMANITARIAN PROBLEM

Sexual violence is a global problem, and, in line with the concept of the reversed burden of proof, the ICRC assumes that it takes place and increases during conflict and crisis, even though its occurrence may not be obvious. Therefore, specific allegations (as in the case of any other IHL violations) are not required for the ICRC to engage State armed forces in dialogue on sexual violence. It is always relevant for the ICRC to discuss this subject with armed forces, since the authorities are obliged under IHL to respect and ensure respect for the prohibition of sexual violence. Dialogue with weapon bearers is never conducted for its own sake; it is always a means to an end and a component of the ICRC's overall strategy to respond to a humanitarian problem. The ICRC knows sexual violence is a global problem and a feature of many modern conflicts – even though the exact extent of it as a humanitarian problem is difficult to identify.

MODES OF ACTION

In the ICRC's *Framework for Dialogue with Arms Carriers*,⁴ five “modes of action” are identified, three of which are equally applicable to engaging in dialogue specifically on sexual violence:

Persuasion	Mobilization	Support***
Attempting to induce the authorities or leadership responsible for the weapon bearer to take action themselves, of their own accord, to fulfil their obligations, protect or assist victims/survivors and ensure access for the ICRC and security of its staff.	Approaching bodies other than the parties to the conflict in such a way as to gain support. Such bodies include other weapon bearers, regional bodies and multilateral bodies who have an influence on those concerned.	Cooperating with the authorities or leadership, and possibly with others. The ICRC uses support to help authorities or leadership discharge their responsibilities.

*** Here, “support” is to be understood as positive action taken by the third party approached in line with that of the ICRC. It should not be confused with the mode of action termed “support”.

Note that these modes of action are complementary, i.e. an overall strategy may, for instance, involve the following combination of actions:

- convincing State armed forces to integrate the prohibition of sexual violence into their doctrine or to end or prevent violations (persuasion)
- assisting the weapon bearer in integrating the prohibition of sexual violence into doctrine, where appropriate (support)
- convincing the authorities to adopt legislation for the prevention or repression of sexual violence (persuasion, mobilization)
- convincing the leadership to adopt legal tools, military sanctions, codes of conduct, zero-tolerance policies in relation to sexual violence to reinforce their commitment to IHL (persuasion, support)
- reinforcing the whole process by arranging for the adoption of relevant global resolutions, treaties and commitments on sexual violence at multilateral level (persuasion, mobilization).

DETERMINING ENTRY POINTS FOR DIALOGUE

The analysis of the armed force in question (see Module V) determines the entry point, and the mode(s) of action. It is important to understand at which level to enter into dialogue on sexual violence. For example, if the ICRC knows that the State armed force under scrutiny has no clear hierarchical structure and a dysfunctional chain of command, it is unlikely that a message passed to higher-ranking officers will trickle down. This means that the delegation, as well as having to consider military hierarchy, has to determine levels of interaction: local/national, regional, global.

At all of the levels described below, targeting key individuals can sometimes be a good way in. This means identifying individuals who stand out as having either influence or a semblance of military ethos (in the positive sense) and thus have the potential to become allies to a specific cause (influencers).

Possible entry points (Who)

Political level (global/national): This includes government authorities, ministries such as defence, foreign affairs or other relevant ministries, depending on the context; parliament; international and regional organizations.

High command level (including military justice): This includes the headquarters of a force, i.e. the commander-in-chief, chief of staff and the senior officers manning the operational staff departments; war and/or staff college, military university and academy; the Judge Advocate General service (where one exists).

Division and brigade level: This is the major tactical military level and may include combat units, combat support units or subunits, such as artillery and engineers, and logistics units or subunits. This level is commanded by a colonel, brigadier or brigadier-general; it includes combat battalions and a headquarters.

Unit level: This level includes tactical units that are often not able to work in isolation without the support of others; the battalion is commanded by a major or lieutenant-colonel and generally consists of three to six companies and a headquarters; the company, which constitutes the lowest administrative unit, is commanded by a captain or a major.

Groups within a unit: As described in Module III, platoons consist of sections, groups or squads; it is often at this level that the socialization processes start. Other groups may be temporarily put together for the purpose of going on patrol or manning a checkpoint; the ICRC often meets them by chance.

Individual level: May be at any level within the cadre of weapon bearers, from the highest commander down to the individual at the checkpoint. Such contacts are necessary wherever the ICRC conducts operations. The aim is to have an impact on the individual's attitude; however, effects tend to be shorter-term than in the case of other approaches.

MODULE V

PROFILE YOUR “TARGET UNIT”

Analysing the weapon bearers involved in a context helps identify either their role in causing the humanitarian problem or their potential assistance in mitigating it. All delegations are required to analyse the armed forces of the State in which they are present to formulate a general strategy on opening and conducting dialogue. To contribute to that wider strategy, this module contains **four short frameworks for analysing State armed forces** *specifically* with a view to identifying suitable entry points for initiating dialogue on sexual violence, as well as relevant persons of influence in that domain.

STATE ARMED FORCES: ELEMENTS TO ANALYSE

Issue	Question
Basics	<p>Motivations What are the unit’s driving forces (why are they soldiers)? How do they see themselves? How do they see the balance between their duty to protect the civilian population and their duty to protect the State?</p>
Structure	<p>Military structure How is the unit structured (loose network, alliance of local commanders, strong central command but decentralized units, military-hierarchy-centralization)? Is there an informal structure of authority? What is it? At which level(s) is the authority?</p> <p>Size How big is the unit? What is the proportion of men, women, under 15s, under 18s? What are their material conditions like?</p>

Issue	Question
Societal roots	<p>Culture What role is played by ethnicity, family, language groups, religion? Does the unit share one culture? Are there cultural elements that favour/hinder the application of IHL? Who can influence the unit's culture? Is "honour" important? Are there any socialization mechanisms?</p> <p>Sociology Does the composition of the unit reflect society in general? What is the role/place of women and of men? Which age groups are most represented? Which social groups are most represented? What are the soldiers' backgrounds? And those of the commanders? Staff? Leaders?</p>
Command and control	<p>Chain of command Who is in command of what (on paper and in practice)? Who bears responsibility for what?</p> <p>Discipline What is discipline like within the unit and its subordinate units? Do soldiers obey their leaders on all issues (tactical orders, pillage, rape, respecting the ICRC, respecting other rules of IHL)?</p> <p>Sanctions How does the unit's internal sanctions system function (via the head of unit, via a special court)? What are the potential punishments (prison term, forced labour, mutilation, death)? Are violations of IHL or IHRL punishable? Are they actually punished?</p>
Conduct of operations	<p>Military action Are any typical actions carried out? Do they follow a pattern (always during the day, at night, hit and run, protracted, coordinated, chaotic)? Do they use substances, such as drugs, alcohol or other stimulants? At which level are decisions regarding military operations made?</p>

Issue	Question
<p>Conduct of hostilities</p>	<p>Attacks against civilians (people, objects) Are there disproportionate attacks? Do attacks occur without any precautions having been taken to reduce civilian casualties or damage? Are there attacks against the civilian population or civilian objects? Cultural objects? Are these mishaps, however regular, or the result of a deliberate policy? Is there an intention to terrorize the population?</p> <p>Protection of persons <i>hors de combat</i> Are there instances of direct attacks on such people? Can they be ascribed to confused circumstances or is there deliberate intent? Is there a pattern?</p>
<p>Support</p>	<p>Recruitment Where do recruits come from? (Are there specific regions/ ethnicities or institutions that provide a significant number of recruits, e.g. universities, youth organizations)? What is the level of education of the recruits? Are they literate, educated? Are recruits mostly volunteers or are they forced to join? If the latter, how is pressure exerted? Is there a proper vetting process? Are children under 15 recruited? Under 18? Is recruitment conducted in refugee or IDP camps?</p> <p>Training and education Does the force have a proper training system? Is the teaching tailored according to the rank, occupation or level of education of the soldiers? Does respect for the law permeate all matters taught? What is the proportion of theory to practice? Are some soldiers/commanders trained externally? If so, by whom and for what? What kind of functions do they have when they return?</p>

POTENTIAL PATTERNS OF SEXUAL VIOLENCE: ELEMENTS TO ANALYSE

While it is not necessary to have proof of instances of sexual violence to engage armed forces in dialogue on the issue, analysing and evaluating the patterns of confirmed or suspected sexual-violence cases will help frame the argument to be developed during the dialogue. This might not be possible in all contexts, however.

To identify different patterns of sexual violence during armed conflicts, the following need to be determined:

- Is sexual violence used strategically as a policy or tactic of war?
- Is sexual violence an accepted practice?
- Is sexual violence an opportunistic crime?
- Is sexual violence used as mistreatment?

The focus of the dialogue on sexual violence with the armed force will differ depending on which pattern is identified. In any case, there needs to be a fine balance of the following approaches: insisting on respect for IHL and the prohibition of sexual violence, highlighting the humanitarian consequences for the victims/survivors, organizing support and training activities, emphasizing the preventive effect of sanctions, underlining traditional values and honour. To ensure the dialogue observes that balance it must be designed in close cooperation with the ICRC's Protection department.

INTEGRATING THE PROHIBITION OF SEXUAL VIOLENCE INTO DOCTRINE: ELEMENTS TO ANALYSE

The objective of integration activities is to create an institutional impact. It is a continuous top-down process and therefore a long-term effort. The ICRC advocates integrating the prohibition of sexual violence into military doctrine but, as mentioned previously, the institution knows relatively little about whether militaries have done so and, if they have, how they are implementing this prohibition in practice.

To get a clearer picture and understanding of a particular armed force's doctrine, ICRC staff can run a quick mapping exercise, starting with a search

on the *ICRC Customary IHL Database*¹⁶ and the *State Practice Collection in the ICRC Library Catalogue*,¹⁷ then looking at open sources and gathering information from the relevant delegation.

As sexual violence is not always considered an IHL issue, the search needs to include a broad list of key words that could relate to the prohibition of sexual violence. See the box below for recommended terms.

Sexual violence and related terms: rape, sexual abuse, sexual slavery, enforced prostitution, enforced sterilization, violence against women, torture, gender-based violence, violence against children, sexual exploitation, sex, abortion, forced abortion, reproductive health, indecent assault, outrages upon personal dignity (and others that may apply in the specific context)

IHL-related terms: IHL, international law, law of war, law of armed conflict/LOAC, sexual crimes, war crimes, grave breaches, command, command responsibility, human rights, women's rights, serious violations, honourable behaviour, code of conduct, health (and others that may apply in the specific context)

In terms of where to look, the following may be useful:

- top-level political statements and declarations, political guidance, political action plans, constitutions, treaty ratifications
- strategic guidance and planning documents, including adopted military doctrines, military manuals and handbooks, codes of conduct, protocols and directives, documents from an IHL Commission, if relevant
- military education and training manuals, including official manuals and handbooks, presentations and documents from within the military education system, operational planning documents
- documents reflecting the military discipline and sanctions mechanisms, including military penal codes and other disciplinary mechanisms
- country-specific documents, existing dialogue, reports from other humanitarian or human rights organizations, observed practice, etc.

INFLUENCING FACTORS IDENTIFIED BY THE ICRC: ELEMENTS TO ANALYSE

Based on your understanding of a particular State armed force (see Module III), and having conducted an analysis as outlined above, you can organize your findings as follows, in terms of the most influential factors in relation to sexual violence.

Influencing factors	Yes	No	Unknown
Awareness/priority given			
Willingness of the armed forces to admit the existence of the problem and thus give the ICRC access at the appropriate levels			
There is a sense of responsibility within armed forces			
There is concrete reference to the prohibition of sexual violence in military doctrine or other documents			
Command responsibility			
Clear orders			
Orders to refrain from certain behaviour			
Clear hierarchical structures			
Armed forces have adequate capacity			
Peer pressure/ethics			
Ethics (see themselves as professional soldiers) linked to positive peer pressure; this could be education or training on creating an identity at unit level			
Positive self-image; see themselves as the “good guys”			
Sanctions system			
Knowing the law			
Agreement with the law/perceived legitimacy of the law			
Having a clear accountability mechanism, the possibility of following up allegations and an effective sanctions mechanism – either a military-justice system or a disciplinary mechanism			
Clear zero-tolerance policy			

From the answers you provide in this table, you can start to build a SWOT analysis (strengths, weaknesses, opportunities and threats) to determine suitable entry points. Of course, the ICRC’s weaknesses and strengths, too, should be taken into account in this situation analysis. While the specific context does matter, and each armed force is different, with its own peculiarities, there are, nevertheless, four broad categories of State armed force, as identified by the analysis of State armed forces in the ICRC’s report *Sexual Violence and Military Doctrine*:¹

- Type 1: capable but reluctant/sees no relevance
- Type 2: willing, aware, partial integration, but not capable
- Type 3: willing, aware, partial integration, capable, but nothing in practice
- Type 4: unwilling, pretending to be unaware, no integration, incapable.

In addition, documented patterns of sexual violence in the specific context (if applicable) will determine which key messages should be delivered at what entry point or to which actors of influence.

Similar tables to the above for each of the four categories of State armed force can be found in Module VI.

MODULE VI

SCENARIOS

ARMED FORCE TYPE 1: CAPABLE BUT RELUCTANT/ SEES NO RELEVANCE

Situation analysis

This armed force is professional, well trained and disciplined. From the structure, it is likely that there is a clear chain of command and that orders go through the hierarchical structure. Self-image is positive. The armed force has a good standing in society and soldiers are seen, to some degree, as protectors of the civilian population. On the other hand, there is no willingness to admit that sexual violence is – or could be – an actual problem, the sanctions system is very difficult to understand and prohibition of sexual violence is not specifically integrated into military doctrine or other relevant documents.

Influencing factors	Yes	No	Unknown
Awareness/priority given			
Willingness of the armed force to admit the existence of the problem and thus give the ICRC access at the appropriate levels		X	
There is a sense of responsibility within the armed force	X		
There is concrete reference to the prohibition of sexual violence in military doctrine or other documents		X	
Command responsibility			
Clear orders	X		
Orders to refrain from certain behaviour	X		
Clear hierarchical structures	X		
Armed forces have adequate capacity	X		

Influencing factors	Yes	No	Unknown
Peer pressure/ethics			
Ethics (see themselves as professional soldiers) linked to positive peer pressure; this could be education or training on creating an identity at unit level	X		
Positive self-image; see themselves as the “good guys”	X		
Sanctions system			
Knowing the law		X	
Agreement with the law/perceived legitimacy of the law			X
Having a clear accountability mechanism, possibility of following up allegations and an effective sanctions mechanism – either a military-justice system or a disciplinary mechanism		X	
Zero-tolerance policy (written or stated)		X	

Opportunities

- There is a sense of responsibility within the armed force.
- The chain of command ensures clear orders are given.
- There are clear orders and directives to refrain from certain behaviour.
- Armed force comprises clear hierarchical structures.
- Armed force has adequate capacity.
- Ethics (see themselves as professional soldiers) are linked to positive peer pressure; this could be education or training on creating an identity at unit level.
- The armed force sees itself as one of the “good guys”, but that may not be true of all individual units.
- Societal actors (such as family and pressure groups) promote a positive image of the armed force.

Threats

- No willingness on the part of the armed force to admit the existence/relevance of the problem and thus give the ICRC access at the appropriate levels.
- The law is not universally known, so there may be no consent as to its applicability.

- Armed force does not have a clear accountability mechanism. It does not follow up allegations or have an effective sanctions mechanism, i.e. neither a military justice system nor a disciplinary mechanism.
- Violations are rarely sanctioned.
- There might be organized concealment of cases of sexual violence in order to avoid damaging the reputation of the whole armed force.

Possible entry points

Given the lack of recognition of the phenomenon of sexual violence, the suggested entry points for this type of armed force are at the highest political level, both nationally and internationally. The clear hierarchy and structure of command would suggest that, once understood and accepted at the top, the message will trickle down. Activities might include:

- reiterating the importance of command responsibility in preventing sexual violence.
- using international commitments as an entry point for dialogue on national integration and as an opportunity to push for a process whereby these documents are followed up and/or implemented nationally.
- looking into and discussing relevant global commitments, e.g. United Nations Security Council Resolution 1325,⁷ speaking to high command level to ensure they are familiar with the topic.
- persuading the high command level and those responsible for dispensing military justice that sexual violence is, in fact, an issue of concern in conflict situations, but that it is “perpetrated as a silent crime” and thus largely invisible; suggesting a sexual violence focal point.
- talking about individual criminal responsibility for war crimes, which can be illustrated with examples from the perpetration of sexual violence, e.g. perpetrating directly, ordering perpetration, joint or co-perpetration, aiding or abetting perpetration, having command responsibility.
- using the “good guys” argument to play on the sense of responsibility, professional ethics and pride.
- discussing, at brigade level, the potential risks and consequences for the armed force as a whole, such as legal consequences, social stigma and health concerns around sexually transmitted diseases, which have the added potential consequence of hindering the operational capacity of the troops. In fact, in the case of a troop-contributing country (TCC),

it may even become an issue of international reputation, if the troops fail to pass the medical test for the mission.

- meeting military judges to address how to support the command responsibility of officers.
- persuading the high command that internal reporting and disciplinary mechanisms to deal with sexual harassment can bring about behavioural change and serve as positive practice of how to approach sexual violence; explaining how “having your house in order” may increase credibility and trust.
- connecting sexual violence to protection of civilians; focusing on assisting the armed force in developing protection guidelines and preventing sexual violence from being perpetrated by enemy combatants or civilians (as opposed to focusing on the internal behavioural issue of sexual violence perpetrated by the force’s own troops). This may offer the opportunity to raise another protection issue, namely how the presence of armed forces may adversely affect the community.
- assisting or participating in training on prevention of sexual violence delivered by, for example, UNDPKO/AU or other international organizations (in the event the armed force is from a troop-contributing country); using some of the materials as an entry point for the ICRC’s own dialogue on the issue.
- using societal actors (civil society organizations, army support structures, pressure groups, other groups with an interest in the positive image of the armed force), if applicable, to influence the armed force positively.
- working with female units, if they are willing, to build and develop specific dialogue with such units, individual female officers or female training centres, if applicable.

TYPE 2: WILLING, AWARE, PARTIAL INTEGRATION, BUT NOT CAPABLE

Situation analysis

This armed force is professional to a certain degree, trained and somewhat disciplined. Its structure suggests there is a chain of command and that orders may go through the hierarchical structure but perhaps not all the way through, owing to factors like force size, lack of vetting processes, etc. There may or

may not be a positive self-image. The armed force has a relatively negative standing in society and is not primarily seen as a protector of civilians. On the other hand, there is willingness to admit that sexual violence is – or could be – an actual problem, and the prohibition of sexual violence is reasonably well integrated into doctrine and related documents. There are codes of conduct and there might be a zero-tolerance policy, but the sanctions system is completely dysfunctional.

Influencing factors	Yes	No	Unknown
Awareness/priority given			
Willingness of the armed force to admit the existence of the problem and thus give the ICRC access at the appropriate levels	X		
There is a sense of responsibility within the armed force	X	X	
There is concrete reference to the prohibition of sexual violence in military doctrine or other documents	X		
Command responsibility			
Clear orders		X	
Orders to refrain from certain behaviour		X	
Clear hierarchical structures	X		
Armed forces have adequate capacity	X	X	
Peer pressure/ethics			
Ethics (see themselves as professional soldiers) linked to positive peer pressure; this could be education or training on creating an identity at unit level		X	
Positive self-image; see themselves as the “good guys”	X	X	
Sanctions system			
Knowing the law	X		
Agreement with the law/perceived legitimacy of the law	X		
Having a clear accountability mechanism, possibility of following up allegations and an effective sanctions mechanism – either a military-justice system or a disciplinary mechanism		X	
Zero-tolerance policy (written or stated)			X

Opportunities

- There is real willingness by the armed force to admit the existence of the problem and thus give the ICRC access at the appropriate levels.
- Armed force comprises clear hierarchical structures.
- The law is known and there is consensus on the law.
- There is a sense of responsibility within the armed force at higher level.
- Armed force has adequate capacity at national HQ level.
- Some of the units do see themselves as the “good guys”.

Threats

- The chain of command does not give directives or clear orders, including regarding refraining from certain behaviour.
- Professional military ethics do not exist. Opportunistic behaviour by individuals seems to be the main driving force.
- Armed force does not have a clear accountability mechanism. It is not possible to follow up allegations nor is there an effective sanctions mechanism (no military-justice system or disciplinary mechanism).
- Violations are rarely sanctioned.
- There is no sense of responsibility within the armed force at subunit level.
- In terms of behaviour, small units often function like gangs.

Possible entry points

There are several possible entry points for this type of armed force, located at various levels:

- at the highest political level, dialogue should be about supporting and encouraging further implementation of applicable law and any international commitments made, as well as stressing the need for a functioning sanctions mechanism.
- at high command level, key messages for the command structure should be the focus.
- at brigade and maybe even unit level, it needs to be about raising awareness among the soldiers themselves.

Activities might include (from the highest to the lowest levels):

- praising the force for integrating the prohibition of sexual violence into doctrine and conveying that there is no need for further integration into doctrine.
- discussing problems with the sanctions system; suggesting a joint review of individual cases.

- meeting military judges to address how to support the command responsibility of officers.
- supporting the development of an effective complaint and reporting mechanism.
- using credible military leaders from other, similar forces to discuss command issues (peer-to-peer approach); inviting such leaders to workshops or seminars.
- reiterating the importance of command responsibility in preventing sexual violence.
- talking about individual criminal responsibility for war crimes, which can be illustrated with examples from the perpetration of sexual violence, e.g. perpetrating directly, ordering perpetration, joint or co-perpetration, aiding or abetting perpetration, having command responsibility.
- connecting sexual violence to protection of civilians; focusing on assisting the armed force in developing protection guidelines and preventing sexual violence from being perpetrated by enemy combatants or civilians (as opposed to focusing on the internal behaviour issue of sexual violence perpetrated by the force's own troops). This may offer the opportunity to raise another protection issue, namely how the presence of armed forces may adversely affect the community.
- highlighting the force's role as first responder to sexual violence when it witnesses it.
- where sexual violence is not used systematically to terrorize and destabilize whole communities, personalizing the issue by raising awareness of the consequences for the victims/survivors, their families and community (e.g. "What if it were your daughter?").
- using the "good guys" argument, playing on the sense of responsibility, ethos and pride.
- discussing, at brigade level, potential risks and consequences for the armed force as a whole, such as legal consequences, social stigma and health concerns around sexually transmitted diseases, which have the added potential consequence of hindering the operational capacity of the troops. In fact, in the case of a troop-contributing country (TCC), it may even become an issue of international reputation, if the troops fail to pass the medical test for the mission.
- persuading the high command that internal reporting and disciplinary mechanisms to deal with harassment can bring about behavioural change and serve as positive practice of how to approach sexual violence; explaining how "having your house in order" may increase credibility and trust.

- using societal actors (civil society organizations, army support structures, pressure groups, other groups with an interest in the positive image of the armed force), if applicable, to influence the armed force positively.
- working with female units, if they are willing, to build and develop specific dialogue with such units, individual female officers, or female training centres, if applicable.

TYPE 3: WILLING, AWARE, PARTIAL INTEGRATION, CAPABLE, BUT NOTHING IN PRACTICE

Situation analysis

This armed force is professional, well-trained and disciplined. Its structure suggests there is a clear chain of command, and that orders go through the hierarchical structure. Self-image seems positive. The armed force has a good standing in society and is seen as a protector of civilians. The armed force is not in a conflict setting but contributes troops to international missions. There is partial integration of the prohibition of sexual violence but it does not resonate sufficiently to warrant integration into own doctrine.

Influencing factors	Yes	No	Unknown
Awareness/priority given			
Willingness of the armed force to admit the existence of the problem and thus give the ICRC access at the appropriate levels	X		
There is a sense of responsibility within the armed force	X		
There is concrete reference to the prohibition of sexual violence in military doctrine or other documents	X		
Command responsibility			
Clear orders	X		
Orders to refrain from certain behaviour	X		
Clear hierarchical structures	X		
Armed forces have adequate capacity	X		

Influencing factors	Yes	No	Unknown
Peer pressure/ethics			
Ethics (see themselves as professional soldiers) linked to positive peer pressure; this could be education or training on creating an identity at unit level	X		
Positive self-image; see themselves as the “good guys”	X		
Sanctions system			
Knowing the law	X		
Agreement with the law/perceived legitimacy of the law		X	X
Having a clear accountability mechanism, possibility of following up allegations and an effective sanctions mechanism – either a military-justice system or a disciplinary mechanism		X	X
Zero-tolerance policy (written or stated)		X	

Opportunities

- There is a real willingness by the armed force to admit the existence of the problem and thus give the ICRC access at the appropriate levels.
- There is a sense of responsibility within the armed force.
- The chain of command gives clear orders/there are orders to refrain from certain behaviour.
- Armed force comprises clear hierarchical structures.
- Armed force has adequate capacity.
- Ethics (see themselves as professional soldiers) is linked to positive peer pressure; this could be education or training on creating an identity at unit level.
- The armed force sees itself as being one of the “good guys”.
- The law is universally well known and there is consensus on the law.

Threats

- Violations are rarely sanctioned; when they are, such sanctions are publicized but they are usually only taken against low-ranking soldiers.
- There is a no zero-tolerance policy.
- Armed force sees no need to integrate the prohibition of sexual violence into national doctrine; as their country is not in a situation of conflict, sexual violence is seen as an issue that is relevant only to overseas missions.

- Potentially no accountability mechanism, no possibility to follow up allegations and no effective sanctions mechanism – neither a military-justice system nor a disciplinary mechanism.

Possible entry points

This type of armed force needs to be approached at the highest political level, both nationally and internationally. The clear hierarchy and structure of command would suggest that, once understood and accepted at the top, the message will trickle down. Strong commitment to fight sexual violence at an international level may pave the way for dialogue on national integration.

Activities might include:

- persuading the military leadership that sexual violence is an IHL and IHRL issue and should thus be integrated into national doctrine, in the same way as other such issues
- convincing the armed force to integrate the prohibition of sexual violence fully – even if there is currently no conflict on the territory – in order to promote universal implementation and good practice
- convincing the higher command to adopt legal tools, military sanctions, codes of conduct and zero-tolerance policies in relation to sexual violence to reinforce their commitment to IHL/IHRL and follow good practice
- playing on the positive effects that transparency can have on image and accountability, both nationally and internationally
- persuading the high command that internal reporting and disciplinary mechanisms to deal with harassment can bring about behavioural change and serve as positive practice of how to approach sexual violence; explaining how “having your house in order” may increase credibility and trust
- supporting the armed force, where appropriate, in integrating the prohibition of sexual violence
- organizing, with military judges, moot-court exercises to test the applicability of the legislation to the prevention or repression of sexual violence (reporting, investigation mechanisms and sanctions)
- talking about individual criminal responsibility for war crimes, which can be illustrated with examples from the perpetration of sexual violence, e.g. perpetrating directly, ordering perpetration, joint or co-perpetration, aiding or abetting perpetration, having command responsibility; relevant also for potential criminal investigations of third parties

- as the prohibition of sexual violence has been formally integrated and the armed force is relatively professional, providing more practical and technical assistance, which could include guidelines on:
 - victim/survivor assistance
 - risk mitigation
 - reporting mechanisms
- using simulations and practical case studies (role play, scenarios, the ICRC virtual reality tool) during seminars and workshops
- using the opportunity of pre-deployment training to address the issue of sexual violence
- using societal actors (civil society organizations, army support structures, pressure groups and other groups with an interest in the positive image of the armed force), if applicable, to influence the armed force positively
- working with female units, if they are willing, to build and develop specific dialogue with such units, individual female officers or female training centres, if applicable.

TYPE 4: UNWILLING, PRETENDING TO BE UNAWARE, NO INTEGRATION, INCAPABLE

Situation analysis

No armed force analysed in the report *Sexual Violence and Military Doctrine*¹ matched this typology. However, as the ICRC works in some contexts where sexual violence is known to be widespread, and establishing dialogue can be very challenging, the scenario has been included.

This armed force is professional only to a certain degree, poorly trained and, in terms of some of its units, not particularly disciplined. Its structure suggests that there is a chain of command, but it cannot be assumed that orders go through the hierarchical structure. Self-image may be generally positive, but more in relation to the force's own cause rather than vis-à-vis the civilian population. The armed force has a relatively negative standing in society and is seen primarily as a protector of the government rather than of civilians. There seems to be no willingness to admit that sexual violence is an actual problem, and there is no satisfactory integration of the prohibition of sexual

violence into military doctrine or other relevant documents. There are codes of conduct but no clear zero-tolerance policy. Loyalty at unit level may be stronger than towards the hierarchy, and there is a completely dysfunctional sanctions system. In addition, a desire for “revenge” is a strong driving force.

Influencing factors	Yes	No	Unknown
Awareness/priority given			
Willingness of the armed force to admit the existence of the problem and thus give the ICRC access at the appropriate levels		X	
There is a sense of responsibility within the armed force	X	X	
There is concrete reference to the prohibition of sexual violence in military doctrine or other documents		X	
Command responsibility			
Clear orders	X	X	
Orders to refrain from certain behaviour		X	
Clear hierarchical structures	X	X	
Armed forces have adequate capacity		X	
Peer pressure/ethics			
Ethics (see themselves as professional soldiers) linked to positive peer pressure; this could be education or training on creating an identity at unit level	X	X	
Positive self-image; see themselves as the “good guys”	X	X	
Sanctions system			
Knowing the law		X	
Agreement with the law/perceived legitimacy of the law			X
Having a clear accountability mechanism, possibility of following up allegations and an effective sanctions mechanism – either a military-justice system or a disciplinary mechanism		X	
Zero-tolerance policy (written or stated)		X	

Opportunities

- The armed force might have a sense of responsibility towards parts of the population/State.
- The chain of command is able to give technical orders but maybe not orders to refrain from certain behaviour.
- Armed force has some hierarchical structures.
- Ethics (see themselves as professional soldiers) could be linked to positive peer pressure; this could be education or training on creating an identity, depending on the unit.
- The armed force sees itself as being one of the “good guys”, depending on the unit.

Threats

- No willingness by the armed force to admit the existence of the problem and thus give the ICRC access at the appropriate levels.
- The law is not known; therefore, there is unlikely to be consensus on the law/perceived legitimacy of the law.
- Armed force has inadequate capacity.
- Armed force does not have an accountability mechanism; there is no possibility of following up allegations and there is no effective sanctions mechanism – neither a military-justice system nor a disciplinary mechanism.
- Violations are rarely sanctioned; when they are, such sanctions are publicized but they are usually only taken against low-ranking soldiers.

Possible entry points

Suggested entry points for this type of armed force are located at both the highest political level and at subunit and potentially even individual level, i.e. individuals who stand out as having either influence or a positive military ethos and so could potentially become allies to a specific cause (influencers). Command level can be considered for specific approaches on codes of conduct but, given the assumption that orders are not going through the chain of command, there is no point in engaging at that level. Activities might include:

- focusing on the most basic IHL rules first; incorporating the prohibition of sexual violence into more general IHL presentations.
- reminding those at the highest political level of the absolute and universal prohibition of sexual violence, of their international commitments and State obligations in this respect, and of the effects on their image internationally.

- linking the law to local norms and values.
- pointing out the military strategic advantage or operational-level benefit of not using sexual violence, e.g. not losing control over subordinates, better functioning through better discipline, gaining more support and trust from local communities.
- finding a potential ally within the military justice structure with whom to discuss issues relating to the prevention of sexual violence.
- finding a potential ally within medical units with whom to discuss issues relating to the prevention of sexual violence, as well as inhumane and degrading treatment.
- where sexual violence is not used systematically to terrorize and destabilize whole communities, personalizing the issue by raising awareness of the consequences for the victims/survivors, their families and, especially, the community.
- connecting sexual violence to protection of civilians in units with some degree of ethics and a positive self-image; focusing on assisting the armed force in developing protection guidelines and preventing sexual violence from being perpetrated by enemy combatants or civilians (as opposed to focusing on the internal behavioural issue of sexual violence perpetrated by the force's own troops). This may offer the opportunity to raise another protection issue, namely how the presence of armed forces may adversely affect the community.
- in the case of those units where positive peer pressure is a motivation, using practices from similar countries to demonstrate how good behaviour is linked to orders, reporting and sanctions.
- reiterating, where appropriate, the importance of command responsibility in preventing sexual violence.
- using the “good guys” argument, playing on the sense of responsibility, professional ethos and pride.
- talking about individual criminal responsibility for war crimes, which can be illustrated with examples from the perpetration of sexual violence, e.g. perpetrating directly, ordering perpetration, joint or co-perpetration, aiding or abetting perpetration, having command responsibility.

MODULE VII

EXAMPLES OF ENTRY POINTS FOR DIALOGUE

Based on interviews with ICRC staff already engaged in dialogue on sexual violence, and on information gathered as part of the *Sexual Violence and Military Doctrine* project,¹ this module is a compendium of practical suggestions. It lists potential activities suitable for the various levels at which it can be attempted to initiate dialogue (see Module IV). Experience shows that the lower the entry-point level, the more difficult it is to devise relevant activities.

MATCHING KEY FINDINGS AND POSSIBLE ENTRY POINTS

Political level (global/national)

- Reminding those at the highest political level of the absolute and universal prohibition of sexual violence, of their international commitments (treaties, resolutions, etc.) and State obligations in this respect, and of the effects on their image internationally.
- Using international commitments as an entry point for dialogue on national integration and as an opportunity to push for a process whereby these documents are followed up and/or implemented nationally.
- Looking into and discussing relevant global commitments, e.g. United Nations Security Council Resolution 1325.⁷
- Drawing up a chart to illustrate at what level and in what form support is needed in terms of integrating the prohibition of sexual violence into military doctrine and/or other relevant documents.
- Using societal actors (civil society organizations, army support structures, pressure groups, other groups with an interest in the positive image of the armed force), if applicable, to influence armed forces positively.

- Using practices from other countries to demonstrate how legal tools, military sanctions, etc. were developed and how integration can be achieved.
- Convincing the leadership to adopt legal tools, military sanctions, codes of conduct and zero-tolerance policies against sexual violence and so reinforce their commitment to IHL.
- Supporting or assisting in setting up mechanisms to achieve IHL compliance; creating an educational framework around IHL, e.g. an IHL classroom in military academies, work with an IHL commission.
- Persuading the military leadership that sexual violence is an IHL and IHRL issue and should thus be integrated into national doctrine in the same way as other such issues; the military leadership of forces that provide training for foreign armies must also make sure to address this issue.
- Convincing the armed force to integrate the prohibition of sexual violence fully, even if there is currently no conflict on the territory, in order to promote universal implementation and follow good practice.
- Playing on the positive effects that transparency can have on image and accountability, both nationally and internationally.
- Supporting the armed force in integrating the prohibition of sexual violence, where appropriate.

High command level

- Introducing the prohibition of sexual violence into ICRC presentations in order to spread awareness and knowledge of the issue.
- Supporting or assisting in setting up mechanisms to achieve IHL compliance; creating an educational “infrastructure” around IHL, e.g. having an IHL classroom in military academies, work with an IHL commission.
- Persuading the military commanders that sexual violence is an IHL and IHRL issue and should thus be integrated into operational documentation in the same way as other such issues.
- Convincing the armed force to integrate the prohibition of sexual violence fully – even if there is currently no conflict on the territory – to promote universal implementation and follow good practice.
- Talking about doctrine as a technical rather than cultural or moral issue; demonstrate how integrating sexual violence in the same way as any other IHL norm is a technical issue.

- Disseminating legal arguments to do with IHL, IHRL and, perhaps, religious law or local customs or “traditional laws” that are in line with IHL.
- Talking about individual criminal responsibility for war crimes, which can be illustrated with examples from the perpetration of sexual violence, e.g. perpetrating directly, ordering its perpetration, joint or co-perpetration, aiding or abetting perpetration, having command responsibility; relevant also for potential criminal investigations of third parties.
- Convincing the high command to adopt legal tools, military sanctions, codes of conduct and zero-tolerance policies against sexual violence, which will reinforce their commitment to IHL/IHRL and serve as good practice.
- Where the prohibition of sexual violence has been formally integrated, and the armed force is relatively professional, providing more practical and technical assistance, which could include guidelines on:
 - victim/survivor assistance
 - risk mitigation
 - reporting mechanisms.
- Using simulations and practical case studies (role play, scenarios, the ICRC virtual reality tool) during seminars and workshops.
- Pointing out the military strategic advantage or operational-level benefit of not using sexual violence, e.g. not losing control over subordinates, better functioning through better discipline, gaining more support and trust from local communities.
- Finding a potential ally within the military justice structure with whom to discuss issues relating to the prevention of sexual violence.
- Organizing, with military judges, moot-court exercises to test the applicability of the legislation to the prevention or repression of sexual violence (reporting, investigation mechanisms and sanctions).
- Connecting sexual violence to protection of civilians in units with some degree of ethics and a positive self-image; focusing on assisting the armed force in developing protection guidelines and preventing sexual violence from being perpetrated by enemy combatants or civilians (as opposed to focusing on the internal behavioural issue of sexual violence perpetrated by the force’s own troops). This may offer the opportunity to raise another protection issue, namely how the presence of armed forces can adversely affect the community.

- Reiterating, where appropriate, the importance of command responsibility in preventing sexual violence.
- Using credible military leaders from other, similar forces to discuss command issues (peer-to-peer approach); inviting such leaders to workshops or seminars.
- Discussing potential codes of conduct and enforcement mechanisms.
- Using the “good guys” argument, playing on the sense of responsibility, ethos and pride.
- Persuading the high command that internal reporting and disciplinary mechanisms to deal with harassment can bring about behavioural change and serve as positive practice of how to approach sexual violence; explaining how “having your house in order” may increase credibility and trust.
- Assuming that – given the volume of sexual violence-related doctrinal materials, including training materials from the likes of the UN/NATO/AU and other organizations – armed forces (especially of contributing countries) are, at least at the high command level, familiar with the topic, this could be taken as an entry point for dialogue on national integration and as an opportunity to push for a process whereby these documents are followed up and/or implemented nationally.
- Drawing up and sharing a chart for your context that illustrates at what level and in what form support is needed, in terms of integrating the prohibition of sexual violence into military doctrine and/or other relevant documents.
- Working with female units, if they are willing, to build and develop a specific dialogue with such units, individual female officers, or female training centres, if applicable.

Brigade level

- Reminding those at this level of the absolute and universal prohibition of sexual violence, their commitments made in respect of observing and enforcing this prohibition, State obligations in relation to same, and of the effects on their image internationally.
- Pointing out the military strategic advantage or operational-level benefit of not using sexual violence, e.g. not losing control over subordinates, better functioning through better discipline, gaining more support and trust from local communities.

- Where sexual violence is not used systematically to terrorize and destabilize whole communities, personalizing the problem, i.e. raising awareness of the consequences for the victims/survivors, their families and community.
- Using the “good guys” argument, playing on the sense of responsibility, professional ethos and pride.
- Talking about individual criminal responsibility for war crimes, which can be illustrated with examples from the perpetration of sexual violence, e.g. perpetrating directly, ordering its perpetration, joint or co-perpetration, aiding or abetting perpetration, or simply having command responsibility.
- Discussing, at brigade level, the potential risks and consequences for the armed forces, such as legal consequences, social stigma and health concerns around sexually transmitted diseases, which have the added potential consequence of hindering the operational capacity of the troops. In fact, in the case of a troop-contributing country (TCC), it may even become an issue of international reputation if the troops fail to pass the medical test for the mission.
- Connecting sexual violence to protection of civilians in units with some degree of ethics and a positive self-image; assisting the armed force in developing protection guidelines and preventing sexual violence from being perpetrated by enemy combatants or civilians (as opposed to the internal behavioural issue of sexual violence perpetrated by the force’s own troops). This may offer the opportunity to raise another protection issue, namely how the presence of armed forces can adversely affect the community.
- Reiterating, where appropriate, the importance of command responsibility in preventing sexual violence.
- Emphasizing the force’s role as “first responders” in the event of witnessing sexual violence.
- Discussing potential codes of conduct and enforcement mechanisms.
- Using simulations and practical case studies (role play, scenarios, the ICRC virtual reality tool) during seminars and workshops.
- Working with female units, if they are willing, to build and develop a specific dialogue with such units, individual female officers or female training centres, if applicable.

Unit level and/or groups within a unit

- Focusing on the most basic IHL rules first; incorporating the prohibition of sexual violence into more general IHL presentations.
- Where sexual violence is not used systematically to terrorize and destabilize whole communities, personalizing the problem by raising awareness of the consequences for the victims/survivors, their families and community.
- Pointing out the military strategic advantage or operational-level benefit of not using sexual violence, e.g. not losing control over subordinates, better functioning through better discipline, gaining more support and trust from local communities.
- Emphasizing the force's role as "first responders" in the event of witnessing sexual violence.
- Linking the law to local norms and values.
- Using the "good guys" argument, playing on the sense of responsibility, professional ethos and pride; making the most of any socialization mechanisms.
- Finding a potential ally within medical units to discuss issues relating to the prevention of sexual violence, as well as inhumane and degrading treatment.
- Where sexual violence is not used systematically to terrorize and destabilize whole communities, and considering the positive peer pressure linked to the role of protector of the country, personalizing the problem by raising awareness of the consequences for the victims/survivors, their families and, especially, the community.
- Connecting sexual violence to protection of civilians in units with some degree of ethics and a positive self-image; assisting the armed force in developing protection guidelines and preventing sexual violence from being perpetrated by enemy combatants or civilians (as opposed to the internal behavioural issue of sexual violence perpetrated by its own troops). This may offer the opportunity to raise another protection issue, namely how the presence of armed forces can adversely affect the community.
- In the case of those units where positive peer pressure is a motivation, using practices from other similar countries to demonstrate how good behaviour is linked to orders, reporting and sanctions.

MODULE VIII

DO'S AND DON'TS – GATHERED FROM INFORMAL INTERVIEWS

- Do attempt to make dialogue interactive and two-way (brainstorming solutions, asking for examples of sexual violence your audience might be aware of, etc.).
- Do use inclusive language to avoid coming across as lecturing (e.g. “We commanders ...”).
- Do ensure motives and driving forces for the perpetration of sexual violence are understood (e.g. strategic, as a practice, opportunistic) before tailoring arguments, so that they will carry weight with the intended target audience.
- Do work in a multidisciplinary fashion within your delegation to analyse and construct dialogue. ICRC teams and units should work in a coordinated and complementary fashion in order to make the most of their specific competencies in addressing sexual violence.
- Do consider whether it is necessary to address specific allegations of violations in the dialogue, or whether the topic can be brought up more generally, without risk.
- Do use both emotive (consequences for the victim/survivor, personalizing the victim/survivor) and legal arguments to make your case.
- Do emphasize the importance of professionalism and pride, and point out that the perpetration of sexual violence detracts from these.
- Do make use of the cultural, linguistic and historical knowledge of, say, interpreters and field officers in constructing your dialogue.
- Do respond rationally to the “inevitability of sexual violence” arguments (“Boys will be boys”, “What do you expect when men are kept away from their families for such-and-such a period?”, “It’s impossible for a real man to control himself”, etc.). You may refer to the fact that not every real man commits sexual violence even in such circumstances.
- Do make clear that sexual violence can occur against women AND men, against girls AND boys.

- Don't operate under the assumption that the issue is too sensitive to address – this is not necessarily the case.
- Don't make sexual violence the first topic for dialogue with a target audience – introduce it only when a relationship of trust has been established.
- Don't overlook the role of communities, who may already be engaging with the armed forces.

MODULE IX

PRACTICAL INTEGRATION EXAMPLE

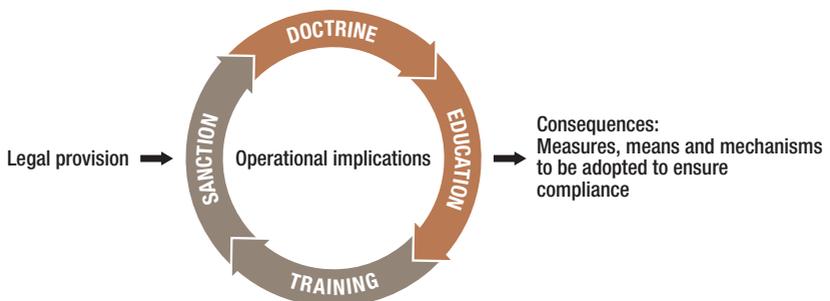
While integrating specific IHL rules concerning the conduct of hostilities seems quite clear, staff are less at ease when it comes to the provisions relevant to sexual violence. Therefore, a practical exercise has been developed to demonstrate what integrating the prohibition of sexual violence into formal rules might look like.

The legal provision in the following example stems from customary IHL, Section V on **Treatment of Civilians and Persons *Hors de Combat*/Fundamental Guarantees**:

Rule 93. Rape and other forms of sexual violence are prohibited. [IAC/NIAC]

Note: For clarity, the example will only deal with one part of rule 93, i.e. civilians. The same method can be followed for persons *hors de combat*.

This rule, which is one of those stating the fundamental guarantees that apply to all civilians (rules 87 to 105), will have operational implications, as well as consequences for how doctrine needs to be framed and phrased. The integration cycle below shows how all elements influence each other and are interconnected.



OPERATIONAL IMPLICATIONS

- What is the definition of “civilian” in international armed conflicts?
And in non-international armed conflicts?
- What do “rape” and “other forms of sexual violence” mean/encompass?
- Which command measures ensure prevention of rape and other forms of sexual violence?
- What concrete measures can be taken to ensure appropriate behaviour?
- What operational measures can be taken to minimize risks of sexual violence for civilians?
- How will the combat troops at the lowest level be prepared to deal with potential victims/survivors and coordinate with logistics and medics?
- How can one ensure that these measures are applied at all times?

CONSEQUENCES

All these operational considerations will have to be addressed through factors shaping behaviour in action (doctrine, education, training and sanctions). In practice, this would mean:

- (a) Doctrine must provide:
- comprehensive understanding of what fundamental guarantees are
 - comprehensive description of what “rape” and “other forms of sexual violence” are
 - comprehensive understanding that rape and other forms of sexual violence are prohibited in all armed conflicts
 - emphasis that men and boys may be victims/survivors as well
 - recommendations to be followed by the commander during the decision-making process on how to reduce the risk of sexual violence and prevent acts of sexual violence from occurring
 - means and mechanisms to maintain operational efficiency, but in compliance with the law (e.g. behaviour during search operations, checkpoints, night raids)
 - measures for recording the decision and its consequences (After Action Review)
 - specific responsibilities at the different levels of the chain of command in this regard
 - mechanisms for reporting and sanctioning inappropriate behaviour.

Doctrine must provide guidance for lawful behaviour.

Measures laid down in doctrine should be practical and realistic.

(b) Education must provide theoretical knowledge and methods regarding:

- what “civilian” in armed conflicts means
- what is understood by “fundamental guarantees”
- sexual violence as an IHL issue
- what “rape” and “other forms of sexual violence” mean and why they are widespread during conflicts
- the responsibilities within the chain of command (according to the different levels and specializations) for preventing acts of sexual violence
- preparing personnel to think about adequate courses of action
- planning and conducting operations without putting civilians at risk of sexual violence
- implementing operational control measures (e.g. standing operating procedures, log books).

Means and mechanisms for compliance with the law must become an integral part of all matters taught.

(c) All exercises – in the field, on maps or computer-assisted – must include incidents of sexual violence against civilians involving a force’s own troops or enemy troops, so that personnel at the different levels acquire the practical experience necessary to perform their tasks correctly under pressure:

- Officers must be able to use the different means available for responding to these incidents and to prevent further misbehaviour/crime towards civilians.
- Combat troops at the lowest levels must be able to report incidents in an efficient manner and potentially act as first responders.
- The whole process must be part of the evaluation and lessons-learned process, leading to corrective measures or improvements, including at the doctrine and education levels.

Training must address IHL components in a realistic way.

- (d) Measures and guidance for lawful behaviour must be backed by effective disciplinary sanctions at all levels of the chain of command:
- Offences of sexual violence in armed conflicts should be explicitly integrated into the military code, to facilitate disciplinary sanctions, as well as into national law, to facilitate penal sanctions.
 - Disciplinary sanctions should not preclude criminal investigation and judicial sanctions.

Experience shows that the more conspicuous sanctions are and the more predictable their application, the more of a deterrent they will be.

MODULE X

FAQS

1. **Should the ICRC address the issue of sexual violence within armed forces in its dialogue?**

In 2016 the ICRC decided that the fact that a violation, such as sexual violence, is committed within an armed force, rather than between enemy combatants, for example, should not mean that it cannot be considered a war crime. The International Criminal Court affirmed this interpretation, stating that “the protection against sexual violence under international humanitarian law is not limited to members of the opposing armed forces, who are *hors de combat*, or civilians not directly participating in hostilities”. In other words, given that sexual violence is prohibited in armed conflict without exception, no victim/perpetrator status is necessary, and the ICC Chamber concluded “that members of the same armed force are not *per se* excluded as potential victims/survivors of the war crimes of rape and sexual slavery”.

While this development suggests that the ICRC could engage with armed forces concerning sexual violence within the forces themselves as an IHL violation issue, to date this rather controversial topic is a relatively untested area of engagement and is not explicitly covered by this toolkit.

It should be noted that internal conduct and discipline issues relating to the likes of sexual harassment (unwelcome sexual advances, requests for sexual favours, etc.) within armed forces would not amount to an IHL violation and thus are not a relevant topic of engagement for the ICRC.

2. **What does the fact that sexual violence is an institutional priority mean for engaging in dialogue with armed forces on the issue?**

The ICRC should endeavour systematically to address the issue of sexual violence in its dialogue with armed forces. In line with the ICRC’s approach to sexual violence, delegations should assume that it is taking place – unless it can be proven otherwise – however challenging it may be to identify in a given context. The absence of allegations of sexual violence is not a valid reason for excluding the issue from dialogue with armed forces. Given its

absolute prohibition under IHL and IHRL, it is always pertinent for the ICRC to include sexual violence in its general dialogue with armed forces, just as it would any other type of violations.

3. What is the difference between sexual violence and gender-based violence (GBV)?

“GBV” is an umbrella term that refers to any harmful act committed against women, men, girls and boys without their consent, because of their sex or socially and culturally constructed roles (gender). Sexual violence is a form of GBV but not the only one. Acts of GBV can also be of a non-sexual nature, such as domestic violence, so-called honour crimes or human trafficking.

The term GBV is often used interchangeably with “violence against women”, because women and girls, owing to their traditionally lower social status in many societies, are usually the primary victims/survivors of GBV. However, men and boys may also be victims/survivors of these forms of violence. The nature and extent of specific types of GBV vary across cultures, countries and regions. Examples include: domestic violence and trafficking, forced and early marriage, harmful traditional practices such as female genital mutilation, honour killings, widow inheritance and others.

For many other organizations, including many National Red Cross and Red Crescent Societies and the UN, GBV is a key focus of their response to sexual violence, meaning they work on a broader range of issues, including the achievement of gender equality and women’s empowerment. The ICRC, owing to its mandate and, in particular, its principles of impartiality, neutrality and independence, does not specifically address these issues.

4. Why is this toolkit limited to dialogue with State armed forces, to the exclusion of other weapon bearers, such as non-State armed groups (NSAGs) and police/security forces?

While many of the strategies for engaging in dialogue with State armed forces on sexual violence may also apply when engaging with non-State armed groups and police/security forces, the scope of the research that formed the basis of this toolkit was limited to the former.

If there is a desire to engage in dialogue with non-State armed groups, one should consider the legal framework which applies to them (IHL, IHRL), noting that while States, and consequently their armed forces, are bound

by international human rights law (IHRL) at all times, it is still a matter of debate as to whether non-State actors are bound by it (for further details, see the ICRC publication *Understanding Arms Carriers*¹⁸).

5. Are there sensitivities around sexual violence of which anyone engaging in dialogue with armed forces should be aware?

The prohibition of sexual violence is generally well known and accepted among armed forces and other weapons bearers – only a very small minority of whom have been known to attempt to justify and legitimize such acts. As a result, while sexual violence can be a challenging topic to navigate because of, for example, cultural and social taboos and determining the right language to use, in the ICRC’s experience, this target audience is generally familiar with the topic and understands its relevance and importance.

6. Is it not likely that armed forces will perceive attempted dialogue on sexual violence as an indirect allegation of having committed such abuse, and that this may jeopardize an existing relationship?

Engaging in dialogue on sexual violence provides an opportunity to emphasize the important role of armed forces in developing protection guidelines and preventing the perpetration of sexual violence by third parties. Alternative points of engagement on protection and prevention issues may be found where the prohibition of sexual violence has been integrated in military documents by offering practical and technical assistance, which would imply addressing:

- victim/survivor assistance
- risk mitigation
- reporting mechanisms.

7. What is the difference between “sexual violence” and “sexual exploitation and abuse”, and why is the latter term often used when applied to peacekeepers?

1. The term “sexual exploitation and abuse (SEA)” is broader than the term “sexual violence”; all acts of sexual violence constitute SEA but not all acts of SEA constitute sexual violence.
2. **There is some overlap:** serious incidents of SEA – such as rape and sexual slavery – also constitute sexual violence prohibited by IHL and IHRL, and vice versa (sexual violence prohibited by IHL and IHRL constitutes a serious example of SEA).

3. **But SEA has a broader scope:** a number of acts which fall under the term SEA do not fall under the term sexual violence. For example, transactional sex or exploitative relationships do not necessarily constitute sexual violence (though conceivably, in specific instances, they may).

8. “Gender” has become an important term in military circles. But what exactly does “incorporating a gender perspective” mean for the armed forces?

Many armed forces recognize that to build relationships with local communities in the areas in which they operate, they need to understand the different roles and needs of women and men in those communities. In order to do so, they need to build their own gender capabilities. Many armed forces have come to realize that they can better achieve their mission objectives with mixed teams of female and male personnel. As such, they strive to recruit, retain and promote more women into leadership positions, foster strong morale and take steps to prevent internal abuse within the armed forces.

Key gender issues that the armed forces typically face are:

- recruitment, retention and promotion of women
- work/life balance of service personnel, in particular for fathers and mothers
- handling of complaints of gender-related harassment, discrimination, bullying and abuse
- protection of civilians, including from sexual violence and exploitation by military personnel
- implementation of institutional or national-level policies related to gender, e.g. a national action plan regarding the UN Security Council resolutions on women, peace and security.

RESOURCES

TOOLKIT RESOURCES

- 1 ICRC, *Sexual Violence and Military Doctrine*, 2017, available in the DP_FAS Collaborative Space (accessible to ICRC staff only): https://collab.ext.icrc.org/sites/TS_DP_DIR/RelationsWArmsCarriers/THEMATIC/Sexual%20violence/20171221%20-%20SV_Report_Analysis%20-%20Prohibition%20of%20Sexual%20Violence%20in%209%20Military%20Doctrine.pdf
- 2 ICRC, *Strategy on Sexual Violence 2018–2022*: https://collab.ext.icrc.org/sites/TS_OP_DIR/_layouts/15/WopiFrame.aspx?sourcedoc=/sites/TS_OP_DIR/sexualviolence/A%20-%20ICRC%20Internal%20documents/Sexual%20Violence%20Strategy/ICRC%20Strategy%20on%20Sexual%20Violence%202018-2022%20Eng.docx&action=default
- 3 Resolution on sexual and gender-based violence adopted by the 32nd International Conference of the Red Cross and Red Crescent in 2015: https://rcrcconference.org/app/uploads/2015/04/32IC-AR-on-Sexual-and-gender-based-violence_EN.pdf
- 4 Materials and frameworks relating to dialogue with weapon bearers available in the DP_FAS collaborative space:
 - (a) Good practices regarding the ICRC dialogue with armed groups
 - (b) Framework for Dialogue with Arms Carriers
 - (c) Dialogue with Arms Carriers – Guiding Framework
 - (d) Update: ICRC Dialogue with arms carriers.
- 5 ICRC, *Integrating the Law*, 2007: <https://www.icrc.org/en/doc/assets/files/other/icrc-002-0900.pdf>
- 6 ICRC, *The Roots of Restraint in War*, Geneva, 2018: <https://www.icrc.org/en/publication/4352-roots-restraint-war#>

- 7 United Nations Security Council, Resolutions 1325 (2000) and 1820 (2008) on women, peace and security: <http://unscr.com/en/resolutions/doc/1325> (one of its four pillars of implementation is prevention of relapse into conflict and all forms of structural and physical violence against women and girls, including sexual and gender-based violence) and https://www.un.org/ruleoflaw/files/women_peace_security_resolution1820.pdf
- 8 International initiatives on sexual violence in conflict:
- (a) Preventing Sexual Violence Initiative: <https://www.gov.uk/government/organisations/preventing-sexual-violence-initiative>
 - (b) Stop Rape Now – UN Action Against Sexual Violence in Conflict: <http://www.stoprapenow.org>
 - (c) United Nations Special Representative of the Secretary-General for Sexual Violence in Conflict: <http://www.un.org/sexualviolenceinconflict/>
 - (d) African Union Special Envoy on Women, Peace and Security: <http://www.peaceau.org/en/page/40-5676-static-bineta-diop>
 - (e) Inter-Agency Standing Committee, *Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action*: https://gbvguidelines.org/wp/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines_lo-res.pdf
 - (f) International Criminal Court, The Office of the Prosecutor, *Policy Paper on Sexual and Gender-Based Crimes*: <https://www.icc-cpi.int/iccdocs/otp/OTP-Policy-Paper-on-Sexual-and-Gender-Based-Crimes-June-2014.pdf>
- 9 Cohen, DK, Hoover Green, A and Wood, EJ, *Wartime Sexual Violence: Misconceptions, Implications, and Ways Forward*, United States Institute of Peace, Washington, 2013: <https://www.usip.org/sites/default/files/resources/SR323.pdf>
- 10 ICRC, *Sexual Violence Background Note*: https://collab.ext.icrc.org/sites/TS_KIG/OurDelegation/External%20communication/FAS%20Presentations/sexual-violence-background-notes.pdf
- 11 *Rome Statute of the International Criminal Court Article 9*: https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/o/rome_statute_english.pdf
- 12 Sivakumaran, S, “Sexual Violence against Men in Armed Conflict”, *The European Journal of International Law*, 2007: <http://ejil.org/pdfs/18/2/224.pdf>

- 13 ICRC, *Sexual Violence in Detention*, Geneva, 2017: <https://shop.icrc.org/sexual-violence-in-detention-2662.html>
- 14 ICRC, *The Roots of Behaviour in War*, Geneva, 2007: <https://www.icrc.org/en/publication/o853-roots-behaviour-war-understanding-and-preventing-ihl-violations>
- 15 Collaborative cross-departmental workshop summary, 2017 (accessible to ICRC staff only): https://collab.ext.icrc.org/sites/TS_DP_DIR/_layouts/15/WopiFrame.aspx?sourcedoc=/sites/TS_DP_DIR/RelationsWArmsCarriers/THEMATIC/Sexual%20violence/20170329%20-%20Workshop_Brainstorm_Summary.docx&action=default&DefaultItemOpen=1
- 16 ICRC Customary IHL Database: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule93
- 17 State Practice Collection, ICRC Library Catalogue (accessible to ICRC staff only): <https://library.ext.icrc.org/library/Default.aspx>
- 18 ICRC, *Understanding Arms Carriers*, Geneva, 2006: https://collab.ext.icrc.org/sites/TS_DP_DIR/Activities/DP%20PUBLICATIONS/DP_FAS/Understanding%20Arms%20Carriers_p.pdf

ADDITIONAL EXTERNAL RESOURCES

These resources go beyond dialogue on sexual violence with armed forces, but may be helpful reading:

Nordic Centre for Gender in Military Operations, *Recommendations on Training Military to Combat Conflict-Related Sexual Violence*, 2014: <https://www.forsvarsmakten.se/siteassets/english/swedint/engelska/swedint/nordic-centre-for-gender-in-military-operations/final-recommendations-on-training-military-to-combat-conflict-related-sexual-violence-ncqm-25-nov-2014.pdf>

United Nations Peacekeeping Resource Hub, “Specialized Training Materials on Conflict-Related Sexual Violence” (includes scenario-based exercises, lesson plans, etc.): <https://research.un.org/en/peacekeeping-community/training/STMs/CRSV>

Geneva Centre for Security Sector Governance (DCAF), *Preventing and Responding to Sexual and Domestic Violence against Men: A Guidance Note for Security Sector Institutions*, Geneva, 2014: <https://www.dcaf.ch/preventing-and-responding-sexual-and-domestic-violence-against-men-guidance-note-security-sector>

Nordic Centre for Gender in Military Operations, *Whose Security? Practical Examples of Gender Perspectives in Military Operations*, Stockholm, 2015: <https://www.forsvarsmakten.se/siteassets/english/swedint/engelska/swedint/nordic-centre-for-gender-in-military-operations/whose-security-2015-low-resolution.pdf>

Human Rights Watch, *Soldiers Who Rape, Commanders Who Condone: Sexual Violence and Military Reform in the Democratic Republic of Congo*, New York, 2009: <https://www.hrw.org/report/2009/07/16/soldiers-who-rape-commanders-who-condone/sexual-violence-and-military-reform>

DCAF, *Sexual Violence in Armed Conflict: Global Overview and Implications for the Security Sector*, Geneva, 2007: <https://www.dcaf.ch/sexual-violence-armed-conflict>

DCAF, *Integrating a Gender Perspective into Internal Oversight within Armed Forces*, Geneva, 2014

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